

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON  
TACOMA WASHINGTON**

**HONORABLE MARY JO HESTON**

**In re:**

**CHAPTER 7**

**Joshua William Fleming Sr.**

**CASE # 21-40913-MJH**

**Debtor.**

**ADVERSARY PROCEEDING:  
OBJECTION TO DISCHARGE**

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**Mary Fleming-CREDITOR**

**Plaintiff**

**-Against-**

**Joshua William Fleming Sr-DEBTOR**

**-Defendant-**

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**COMPLAINT FOR DETERMINATION OF DISCHARGEABILITY AND OBJECTING TO DEBTOR'S DISCHARGE  
PURSUANT TO 11 U.S. CODE SECTION 727 (a) (2) PARTS (a) & (b) SECTION 727 (a) (4) PARTS (a) (b) (c)  
11 U.S. CODE SECTION 523 (b) PARTS (i)**

Plaintiff-Creditor, Mary Fleming, as and for her complaint against Joshua William Fleming Sr-debtor respectfully alleges:

**JURISDICTION**

1. On May 25<sup>th</sup>, 2021 the debtor filed a voluntary petition for relief (the "petition") under chapter 7 of title 11 of the United States Code (the "bankruptcy code") in the United States Bankruptcy Court of the Western District of Washington.
2. Discovery of fraud, misrepresentation, liquidation of assets just prior to and after the filing of the petition, hidden assets, and laundering and or hiding assets occurred during the time since the petition was filed and during 341 creditors meetings. These discoveries include Ron Sandrini as an accomplice.

### ALLEGATIONS

1. On June 22<sup>nd</sup> 2013 during a 341 Creditors Meeting, Joshua Fleming admitted to the sale of a Dodge Truck for \$40,000. During later testimony at the continued 341 Creditors Meeting July 13<sup>th</sup>, 2021 he admits that he pocketed nearly \$21,000. He further admits that he used some of this money to fund his bankruptcy attorney and a family court attorney. He then declares he gave a large sum of cash from this event to his friend and former boss Ron Sandrini to hide it from me, his spouse, in advance of a bankruptcy and divorce. He also lists Ron Sandrini as a creditor. I have provided proof that this was done without my consent authorization or knowledge despite this asset being a jointly owned vehicle.
2. At the time of the filing, May 25<sup>th</sup> 2021, The debtor Joshua William Fleming Sr. listed a Toyota Camry as an asset. He had already totaled this vehicle on May 17<sup>th</sup>, 2021.. A claim had already been filed to his automotive insurance. Joshua William Fleming Senior claims that he sneezed, causing temporary unconsciousness. Before the 341 creditors meeting occurred on June 22<sup>nd</sup>, 2021, Joshua William Fleming violated a restraining order by obtaining the settlement checks from the family home mailbox and he deposited those into our joint account and then illegally withdrew the cash and used it to purchase a new vehicle. The check was addressed as payable to Joshua Fleming and Mary Fleming. Therefore legally it requires(d) both signatures. I never had knowledge of the checks, never gave consent for him to deposit this, never gave consent for him to withdraw the cash, I had no idea that these things happened until I was notified by the automotive insurance company that the settlement had been processed. During that 341 creditors meeting on June 22, 2021 Joshua William Fleming Senior admits that the settlement for over \$6700 was pending at the time he filed bankruptcy. None of this information was listed. During both

341 creditors meetings, Joshua William Fleming Sr. states that his family law attorney, Joseph Enbody Sr. of Centralia Washington, advised him that it was alright to obtain the insurance checks from the mail like he did and deposit them and withdraw the cash and purchase a new vehicle with them.

3. Evidence submitted to the court by me, Mary Fleming-creditor, shows that the debtor- Joshua Fleming Sr had a conversation with the gentleman he sold the Dodge truck to, Andrew Goffrier from Oregon that he had to hurry up and finish the deal because his wife was becoming a problem and he had to hurry up and get this done. Just a couple of months before filing a petition for bankruptcy, he had sold a vehicle that was jointly owned without my consent without my knowledge and across state lines and the purchaser of the vehicle had no legal ability to obtain legal ownership as it required release of interest from me also. Joshua William Fleming Sr, while sworn in under oath, stated during the initial 341 Creditors meeting that he had my consent to do this. I have provided proof to the court via text message threads of a conversation between Joshua Fleming Sr and myself that I never stated he could sell the truck and that he actually told me it had been repossessed. Mr. Fleming has lied under oath to the court. In response to a question from me during the 341 creditor meeting, while sworn in, Mr Fleming affirmed that his attorney advised him to liquid this asset into cash and use it without my consent.
4. The debtor, Joshua William Fleming Senior, threatened me via text message numerous times that if I file for divorce he would destroy my credit to cost me my job and that he would never allow me to keep the house. The text message thread I provided to the court showing that I never told him he could sell the truck clearly shows that he threatened me I would never be allowed to keep the house and the truck. A sworn affidavit provided by Justin Isom relates to a conversation that the debtor, Joshua William Fleming Senior had



with him while he stated that he had a plan in place through bankruptcy to subvert the ability of Family Court to force the sale of the home. This constitutes evidence that the intent for the filing of bankruptcy is to create personal harm to me and subvert the will of a family court. Mr. Fleming is not bankrupt. The trustee has found assets.

5. The debtor, Joshua William Fleming Senior, has communicated to me via text message that he was going to include debts for Les Schwab's that are my personal debt. Joshua William Fleming Sr, in his quest to destroy my credit that he promised he would do if I filed for divorce, is intentionally trying to include debts in his Bankruptcy that are not his. He has also sought to obtain information about this line of credit from the lender without my permission. The proof of this can be found in the declaration that he provided for Family Court. Again this was not his account to obtain information from or about. Again ample evidence exists to imply that his intent is to destroy my credit.
6. The debtor, Joshua William Fleming Senior, has refused to file income taxes for this year. A family law order from the Lewis County Superior Court dating back to June 2021 requires Mr. Fleming to sign off on the tax return and split the proceeds in half with me. Joshua William Fleming Senior refuses to sign the tax return and this constitutes hiding tax return money from this court. The taxes were prepared by a professional, I have already signed the return, and no legitimate reason exists preventing Joshua William Fleming Senior from signing his portion of this. This also prevents possible stimulus money from coming to me and him as well.
7. Joshua William Fleming Senior has included assets in his bankruptcy that he has placed a security bond on that he has no legal ownership of. Joshua William Fleming Senior has included a Chevrolet pick up as an asset that he intends to keep. He placed a \$300 bond on this asset. Joshua William Fleming Senior is not the legal owner of this vehicle and my name

is the only name on the title. During the initial 341 creditors meeting, Joshua William Fleming Senior while under oath lied to this court by saying that a court order exists requiring me to release this asset over to him. No such order exists and this constitutes both additional lies from Joshua William Fleming Senior and an attempt to obtain possession of property that does not legally belong to him through bankruptcy proceedings.

8. The debtor, Joshua William Fleming Senior, wrongfully lists the amount of my debt. Joshua William Fleming and I refinanced the house at which time my name was added to the mortgage. I am a co-applicant for the Chevrolet Tahoe. I am a co-applicant for a credit card debt. I am also a co-applicant for a personal loan. Therefore the amount of debt owed to me should be half of the total community debt +50% of the equity in the family home. As I have shown the family home could easily be sold for \$650,000 at this point.
9. Joshua William Fleming Senior earned significant unreported income from working under the table for people like Ron Sandrini that he also lists as a creditor. He has also worked under the table for Laura Jones Moerke. She is also listed as a creditor. This can easily be proven by examining the debtors individual checking account. It is easy to show that the cash and checks deposited into this account far exceed the amount of unemployment he claims he earned. A review of checks deposited into the account of the debtor would show checks from these individuals that there is no other explanation for.

#### **RELIEF REQUESTED**

1. I am requesting the immediate release of the Chevrolet truck from this proceeding and that it be ordered to be immediately excluded from this matter and returned to me without damage.
2. I am requesting that the debtor, Joshua William Fleming Senior not be allowed to retain the family home.

3. I am requesting that my personal debt with Les Schwab's be excluded from these proceedings.
4. I am requesting that the \$21,000 from the liquidation of the Dodge truck be added to debt owed to me in these proceedings
5. I am requesting that the Ford that was purchased from the insurance settlement checks be seized by the court and sold and that the proceeds from that be disbursed to me up to half of the amount of the insurance checks as I should have been entitled to 50% of this money as his spouse.
6. I am requesting this court to sell the family home and use that money to pay the debts
7. I am requesting this court to forbid the debtor, Joshua William Fleming Senior, from receiving any of the leftover money after the debts have been paid and recognize my rights as a spouse to 50% of the equity.
8. I am asking this court to require Ron Sandrini to re-pay any portions of cash back to this court that he agreed to withhold on behalf of the debtor Joshua William Fleming Senior and not allow his debt to be included.
9. I am asking the court to deny the allowance of discharge of debts to Joshua William Fleming Senior as he has willfully and knowingly lied to the court, committed fraud, hidden assets, illegally transferred assets, and is withholding tax returns and or information.
10. I am asking that this court forbid Joshua William Fleming Senior from filing bankruptcy again for a period of 10 years.

**Responses can be served to me at:**

**Mary Fleming**

**P.O. Box 461**

**Chehalis, Wa 98532**

**Name: Mary Fleming-Creditor**

**Signed:**



**Date:**

**08-20-2021**